

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

**MARK YORRICK, DARSHAWYN
YORRICK and EBONICK YORRICK,**

Plaintiffs,

-against-

Index No:
Summons

**THE CITY OF NEW YORK,
POLICE OFFICER DANIEL SJOBERG
TAX REG. # 942557
DETECTIVE SIMON RASHID SHIELD # 9170
AND POLICE OFFICER JOHN AND/OR
JANE DOE NUMBERS 1-10,**

Defendants.

X

YOU ARE HEREBY SUMMONED, to answer the complaint in this action and to serve the Plaintiffs a copy of your answer, or, if the complaint is served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within twenty(20) days after service, exclusive of the date of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the state of New York); and in case of your failure to appear or answer the Plaintiff's complaint, judgment will be taken against you by default for the relief demanded therein.

Plaintiff designates New York County as the place of venue based on the headquarters of the New York Police Department.

Dated: New York, NY 10007
April 30th, 2014



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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

**MARK YORRICK, DARSHAWN YORRICK,
YORRICK and EBONICK YORRICK,**

Plaintiffs,

-against-

**THE CITY OF NEW YORK,
POLICE OFFICER DANIEL SJOBERG
TAX REG. # 942557
DETECTIVE SIMON RASHID SHIELD # 9170
AND POLICE OFFICER JOHN AND/OR
JANE DOE NUMBERS 1-10,**

Defendants.

X

Index No:
**VERIFIED COMPLAINT
COMPLAINT**

NOW COMES, the Plaintiffs, **MARK YORRICK, DARSHAWN YORRICK, AND
EBONICK YORRICK**, by and through her attorney, **RONALD PAUL HART, ESQ.**, as and
for the complaint against the Defendants, and respectfully shows to this Court and allege as
follows:

PARTIES:

1) That the Plaintiffs, **MARK YORRICK, DARSHAWN YORRICK, AND
EBONICK YORRICK** (Hereinafter "Plaintiffs") are presently residents of the City of New
York, in the State of New York.

2) At the time of the incident, the Plaintiffs were residents of the City, State of New
York, and County of Queens.

3) Upon information and belief, that at all times, hereinafter mentioned, the
Defendant, **THE CITY OF NEW YORK**, was and still is a municipal corporation duly
organized and existing under and by virtue of the laws of the State of New York.

4) Upon information and belief, that at all times, hereinafter mentioned, the Defendant, **THE CITY OF NEW YORK**, its agents, servants and employees operated, maintained and controlled the Police Department of The City of New York, and all the police officers thereof, including Defendant, Detective **SIMON RASHID SHIELD #: 9170**, and Defendant, Police Officers **DANIEL SJOBERG TAX REG. # 942557** and **JOHN AND/OR JANE DOES 1-10**.

5) Upon information and belief, at all times hereinafter mentioned, and on or prior to August 27, 2008, Defendant, **SIMON RASHID SHIELD** was employed by Defendant, **THE CITY OF NEW YORK**, as police officers.

6) Upon information and belief, at all times hereinafter mentioned, and on or prior to August 27, 2008, Defendant, **Police Officer DANIEL SJOBERG** was employed by Defendant, **THE CITY OF NEW YORK**, as police officers.

7) Upon information and belief, at all times hereinafter mentioned, and on or prior to August 27, 2008, Defendant, Police Officers **JOHN/JANE DOES 1-10**, was employed by Defendant, **THE CITY OF NEW YORK**, as police officers.

8) This action arises both under the United States Constitution, particularly under provisions of the Fourth and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Acts, Title 42 of the United Code, Section 1983, 1981, 1988, 1985(3) et seq., and state law for malicious prosecution, abuse of process, negligent infliction of emotional distress, negligent hiring, training, and supervision of police officers, permitting unlawful police practices, and racial discrimination, to name a few of the causes of action.

9) This action also arises under and the rights under the Constitution and laws of the State of New York.

10) Each and all of the acts of the Defendants alleged herein were done by the Defendants, their agents, servants and employees, and each of them, as individuals and in their official capacities as police officers under the color and pretense State law, the statutes, ordinances, regulations, customs and usages of the State of New York, the **CITY OF NEW YORK** and the County of new York, and under the authority of their office as police officers of said state, City and County.

11) The amount in controversy is \$75,000 exclusive interest and costs.

PENDANT STATE CLAIMS:

12) That Notice of Plaintiffs' (**MARK YORRICK, DARSHAWN YORRICK AND EBONICK YORRICK**) claim for damages for False arrest, False Imprisonment, Racial Discrimination, Abuse of Process, Malicious Prosecution, violation of Civil rights, negligence in hiring and retaining, negligence in performance and negligence in training and supervising, the nature of the claim and the date of, the time when, the place where and the manner in which the claim arose was duly served upon the Comptroller, Defendant **CITY OF NEW YORK** on the 16th day of May 2013. Defendant was acquitted of all criminal charges on February 19th 2013.

13) That more than 30 days have elapsed since the Notice of Claim has been served upon Defendants **CITY OF NEW YORK** and other Defendants and said Defendants have neglected to or refused to make any adjustments or payment thereof; hence, this action is commenced within one year and 90 days after the cause of action arose.

AS AND FOR FIRST CAUSE OF ACTION
ON BEHALF OF PLAINTIFFS MARK YORRICK,
DARSHAWYN YORRICK AND EBONICK YORRICK
FALSE ARREST AND FALSE IMPRISONMENT:

14) The Plaintiffs, **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** hereby incorporates by reference each and every preceding paragraph 1-13 of this Complaint as though fully plead and re-alleged in their entirety below.

15) That on or about August 27, 2008, Plaintiffs, **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** (Hereinafter “Plaintiffs”), were at their residence located at 324 Beach 27 Street, Far Rockaway, New York.

16) Plaintiff, Mark Yorrick, asserts that on August 27, 2008, he was resting in his home in his basement when suddenly and unexpectedly he was awakened from his sleep by very loud banging and knocking on his front door.

17) When Plaintiff, Mark Yorrick, went to the front door of his home and saw a young female he did not recognize. He also saw flashing lights from police vehicles and several police officers.

18) Plaintiff exited home into the vestibule and opened the door to the building and stood behind the storm door and addressed the police officers.

19) These officers then falsely accused Plaintiff of wrongfully evicting this young female that he observed from across the street whom he did not know.

20) After a back and forth exchange between Plaintiff and the police, Plaintiff returned to his apartment and locked the door.

21) The officers then proceeded to damage his storm door by breaking the mesh with a night stick to try and open it. An upstairs tenant eventually allowed entry to the inside of the premises. At this

point, the two police officers took turns kicking the door to Plaintiff's home with their boots to try to gain access.

22) There was no exigent circumstance and these officers did not observe Plaintiff commit any offense that warranted the police attempting to break down Plaintiff's door without a warrant.

23) During trial, these officers admitted to not having a search, arrest or bench warrant, yet attempting to break Claimant's door in.

24) The police caused substantial damage to Plaintiff's door and other parts of his home such as side windows to name a few of the items damaged.

25) These two police officers caused substantial property damage to Claimant's home during the course of their unlawful activity that was tantamount to an attempted felony burglary and break-in to Plaintiff's home.

26) Furthermore, the police failed to conduct any reasonable investigation to ascertain if the Plaintiff was the owner of the premises that the woman said she was evicted from or if he had any involvement in her eviction.

27) During trial, these officers admitted to their unlawful conduct of not having a search, arrest or bench warrant, yet attempting to break Plaintiff's door in. The police caused substantial damage to not only this door, but to other parts of Plaintiff's home during the course of their attempted burglary and break-in to Plaintiff's home and Plaintiff will hold them responsible for their conduct.

28) A simple check by the police of calling the City Marshall who is responsible in part for evictions, or driving to the apartment of this woman to ascertain the facts would have readily revealed that she was not evicted but conjured up this false story.

29) Such an investigation would have established that Plaintiff was not her landlord, did not dispossess her nor remove her personal belongings onto the street.

30) Regrettably, no witnesses were interviewed by the police where the alleged crime occurred adding further support that this case was completely mishandled by these two male police officers.

31) Plaintiff prepared a home video and introduced photos during the trial of the property damage to his private home caused by these highly two unprofessional, untrained, and unskilled police officers.

32) Incredibly, despite these officers unprofessionalism, one police officer who was the most culpable, Rashid Simone, has been promoted to the rank of a detective despite his lack of temperament and ability to deal with the public on minor relatively easy issues.

33) Moreover, these two police officers in an attempt to cover up their wanton, egregious, and brazen criminal acts during this police siege of Plaintiff's home, incredibly charged Plaintiff with an alleged felony assault on a police officer despite the uncontested fact that officer Rashid suffered what can only be describe as completely minor, non-serious injury that even a child would not of complained of.

34) The purported felony assault upon Police Officer Rashid, now Detective Rashid, alleged that he injured his right thumb which was apparently caused when he along with his partner were illegally attempting to break into Plaintiff's home.

35) In short, Defective Rashid's injuries were self-inflicted, yet he falsely charged Plaintiff with a felony assault for his transparently bogus minor injuries.

36) Officer Rashid unbelievably took off several weeks for a simple thumb sprain that apparently and arguably caused to his own finger due to his own unlawful misconduct.

37) During trial, these police officers bragged how they each took turns trying to kick in Plaintiff's door without a warrant. Therefore, these two officers knowingly admitted to committing numerous felonies at Plaintiff's home and other misconduct that makes them liable to the Plaintiff for his damages.

38) The jury was justifiably appalled at such shameless trial testimony where the officers blinded by their own arrogance and the admitted police misconduct returned a speedy trial verdict in 60 seconds.

39) The actual jury verdict sheet may reflect 12 to 15 minutes of jury selection; however, the jury asserted they took only 60 seconds so that it could not be said they did not do their job.

40) The jury, not surprisingly, returned a speedy acquittal telling defense counsel in the corridors of justice that they had decided Plaintiff's innocence within 60 seconds of leaving their seats to go into the deliberating room.

41) These facts can be determined by any news agency or independent monitor talking to the jury after the fact.

42) Their quick verdict was the unmistakable assessment that Plaintiff was completely innocent and not guilty of the false charges that Officers Sjoberg and Rashid intentionally concocted against him.

43) These false charges were filed simply to protect themselves against a lawsuit for needlessly causing substantial damage to Plaintiff's home.

44) Plaintiff asserts that these officers are not fit to wear the blue uniform and Plaintiff seeks monetary and punitive damages against them to deter them from ever again

engaging such outrageous, egregious and unlawful conduct against innocent members of the public.

45) Plaintiff was forced to hire private counsel at great personal expense to defend against these false charges.

46) Plaintiffs **DARSHAWYN YORRICK and EBONICK YORRICK** also lived through the horrors of this attempted police invasion of their home and observed their father's suffering during this episode until the case was dismissed on February 19th 2013.

47) Plaintiff Mark Yorrick spent a night in jail until his release.

48) That by reason of the aforesaid, the Plaintiffs **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** were injured in mind and body, still suffers and upon information and belief, will continue to suffer great mental pain, and was rendered sick, sore, lame and so remains by the actions of the Defendants, their agents, servants and employees.

AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALFOF PLAINTIFFS MARK YORRICK,
DARSHAWYN YORRICK AND EBONICK YORRICK
NEGLIGENCE IN TRAINING AND SUPERVISING:

49) The Plaintiffs, **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** hereby incorporates by reference each and every preceding paragraph 1-48 of this Summons and Complaint as though fully plead and re-alleged in their entirety below.

50) That the above actions of the above named and referenced police officers amply demonstrate that they were untrained, unsupervised and without the skill set to handle a simple non-violent situation that their conduct caused the situation to turn violent.

51) The lack of police training cause caused these officers to improperly discharge their duties as police officers on or about August 27, 2008, upon their arrival at the home of Plaintiffs,

MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK located at: 324 Beach 27 Street, Far Rockaway, New York.

52) Furthermore, upon their arrival, the police were not properly supervised by higher ranking police official given the fact that these officers or both of them were relatively inexperienced and relatively new to the police department.

53) Their lack of proper supervision resulted in the police misconduct and unprofessional untoward conduct they displayed towards law-abiding citizens makes them liable to the Plaintiffs in damages.

AS AND FOR A THIRD CAUSE OF ACTION
ON BEHALF OF PLAINTIFFS MARK YORRICK,
DARSHAWYN YORRICK AND EBONICK YORRICK
NEGLIGENCE IN PERFORMANCE OF DUTIES:

54) The Plaintiffs, **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** hereby incorporates by reference each and every preceding paragraph 1-53 of this Summons and Complaint as though fully plead and re-alleged in their entirety below.

55) That the above actions of the above named and referenced police officers amply demonstrate that they were untrained, unsupervised and without the skill set which caused the police to negligently handle their jobs in a sloppy and inappropriate manner on August 27, 2008 at Plaintiff's home located at 324 Beach 27 Street, Far Rockaway, New York.

56) Furthermore, upon their arrival, the police supervisors were negligent in not properly supervised by higher ranking police official given the fact that these officers or both of them were relatively inexperienced and relatively new to the police department.

57) Their lack of proper supervision resulted in the police misconduct and unprofessional untoward conduct they displayed towards law-abiding citizens makes them liable to the Plaintiffs in damages.

AS AND FOR A FOURTH CAUSE OF ACTION
ON BEHALF OF PLAINTIFF PLAINTIFFS MARK YORRICK,
DARSHAWYN YORRICK AND EBONICK YORRICK
FOR MALICIOUS PROSECUTION:

58) The Plaintiffs, **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** hereby incorporates by reference each and every preceding paragraph 1-57 of this Summons and Complaint as though fully plead and re-alleged in their entirety below.

59) That on or about August 27, 2008, Plaintiffs, **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** (Hereinafter "Plaintiffs"), were at their residence located at 324 Beach 27 Street, Far Rockaway, New York.

60) Plaintiff, Mark Yorrick, asserts that on August 27, 2008, he was resting in his home in his basement when suddenly and unexpectedly he was awakened from his sleep by very loud banging and knocking on his front door.

61) When Plaintiff, Mark Yorrick, went to the front door of his home and saw a young female he did not recognize. He also saw flashing lights from police vehicles and several police officers.

62) Plaintiff exited home into the vestibule and opened the door to the building and stood behind the storm door and addressed the police officers.

63) These officers then falsely accused Plaintiff of wrongfully evicting this young female that he observed from across the street whom he did not know.

64) After a back and forth exchange between Plaintiff and the police, Plaintiff returned to his apartment and locked the door.

65) The officers then proceeded to damage his storm door by breaking the mesh with a night stick to try and open it. An upstairs tenant eventually allowed entry to the inside of the premises. At this point, the two police officers took turns kicking the door to Plaintiff's home with their boots to try to gain access.

66) There was no exigent circumstance and these officers did not observe Plaintiff commit any offense that warranted the police attempting to break down Plaintiff's door without a warrant.

67) During trial, these officers admitted to not having a search, arrest or bench warrant, yet attempting to break Claimant's door in.

68) The police caused substantial damage to Plaintiff's door and other parts of his home such as side windows to name a few of the items damaged.

69) These two police officers caused substantial property damage to Claimant's home during the course of their unlawful activity that was tantamount to an attempted felony burglary and break-in to Plaintiff's home.

70) Furthermore, the police failed to conduct any reasonable investigation to ascertain if the Plaintiff was the owner of the premises that the woman said she was evicted from or if he had any involvement in her eviction.

71) During trial, these officers admitted to their unlawful conduct of not having a search, arrest or bench warrant, yet attempting to break Plaintiff's door in. The police caused substantial damage to not only this door, but to other parts of Plaintiff's home during the course of their attempted burglary and break-in to Plaintiff's home and Plaintiff will hold them responsible for their conduct.

72) A simple check by the police of calling the City Marshall who is responsible in part for evictions, or driving to the apartment of this woman to ascertain the facts would have readily revealed that she was not evicted but conjured up this false story.

73) Such an investigation would have established that Plaintiff was not her landlord, did not dispossess her nor remove her personal belongings onto the street.

74) Regrettably, no witnesses were interviewed by the police where the alleged crime occurred adding further support that this case was completely mishandled by these two male police officers.

75) Plaintiff prepared a home video and introduced photos during the trial of the property damage to his private home caused by these highly two unprofessional, untrained, and unskilled police officers.

76) Incredibly, despite these officers unprofessionalism, one police officer who was the most culpable, Rashid Simone, has been promoted to the rank of a detective despite his lack of temperament and ability to deal with the public on minor relatively easy issues.

77) Moreover, these two police officers in an attempt to cover up their wanton, egregious, and brazen criminal acts during this police siege of Plaintiff's home, incredibly charged Plaintiff with an alleged felony assault on a police officer despite the uncontested fact that officer Rashid suffered what can only be describe as completely minor, non-serious injury that even a child would not of complained of.

78) The purported felony assault upon Police Officer Rashid, now Detective Rashid, alleged that he injured his right thumb which was apparently caused when he along with his partner were illegally attempting to break into Plaintiff's home.

79) In short, Detective Rashid's injuries were self-inflicted, yet he falsely charged Plaintiff with a felony assault for his transparently bogus minor injuries.

80) Officer Rashid unbelievably took off several weeks for a simple thumb sprain that apparently and arguably caused to his own finger due to his own unlawful misconduct.

81) During trial, these police officers bragged how they each took turns trying to kick in Plaintiff's door without a warrant. Therefore, these two officers knowingly admitted to committing numerous felonies at Plaintiff's home and other misconduct that makes them liable to the Plaintiff for his damages.

82) The jury was justifiably appalled at such shameless trial testimony where the officers blinded by their own arrogance and the admitted police misconduct returned a speedy trial verdict in **60 seconds**.

83) The actual jury verdict sheet may reflect 12 to 15 minutes of jury selection; however, the jury asserted they took only 60 seconds so that it could not be said they did not do their job.

84) The jury, not surprisingly, returned a speedy acquittal telling defense counsel in the corridors of justice that they had decided Plaintiff's innocence within 60 seconds of leaving their seats to go into the deliberating room.

85) These facts can be determined by any news agency or independent monitor talking to the jury after the fact.

86) Their quick verdict was the unmistakable assessment that Plaintiff was completely innocent and not guilty of the false charges that Officers Sjoberg and Rashid intentionally concocted against him.

87) These false charges were filed simply to protect themselves against a lawsuit for needlessly causing substantial damage to Plaintiff's home.

88) Plaintiff asserts that these officers are not fit to wear the blue uniform and Plaintiff seeks monetary and punitive damages against them to deter them from ever again engaging such outrageous, egregious and unlawful conduct against innocent members of the public.

89) Plaintiff was forced to hire private counsel at great personal expense to defend against these false charges.

90) Plaintiffs **DARSHAWYN YORRICK and EBONICK YORRICK** also lived through the horrors of this attempted police invasion of their home and observed their father's suffering during this episode until the case was dismissed on February 19th 2013.

91) Plaintiff Mark Yorrick spent a night in jail until his release.

92) That by reason of the aforesaid, the Plaintiffs **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** were injured in mind and body, still suffers and upon information and belief, will continue to suffer great mental pain, and was rendered sick, sore, lame and so remains by the actions of the Defendants, their agents, servants and employees.

93) Plaintiff suffered from having to attend Court every month commencing and continuing on August 28th 2008, Sept, 25th 2008, October 23, 2008, December 8th 2008, January 7th 2009, February 23, 2009, March 24th 2009, April 28th 2009, May 20th 2009, June 16th 2009, June 19th 2009, July 14, 2009, July 28th 2009, September 22, 2009, October 13th 2009, October 22, 2009, November 30th 2009, January 12th 2010, February 24th 2010, March 31, 2010, April 14th , 2010 April 24th 2010, May 10th 2010, May 25th 2010, September 13th 2010, October 7th

2010, October 28th 2010, January 20th 2010, February 24th 2011, April 14th 2011, May 10th 2011, July 19th 2011, September 27th 2011, November 3, 2011, November 18th 2011, December 20th 2011, February 9th 2012, March 14th 2012, May 2, 2012, September 21, 2012, October 30, 2012, December 7th 2012, and February 19th 2013.

94) Plaintiffs **DARSHAWYN YORRICK and EBONICK YORRICK** saw the suffering that their father endured from being forced to attend bogus court proceedings each and every month over the past five years as they attended same with their dad.

95) That as a result of the above malicious prosecution, Plaintiff has sustained substantial financial damages that exceed the jurisdiction of all lower courts in this matter.

AS AND FOR A FIFTH CAUSE OF ACTION
ON BEHALF OF PLAINTIFF PLAINTIFFS MARK YORRICK,
DARSHAWYN YORRICK AND EBONICK YORRICK
FOR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS:

96) The Plaintiffs, **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** hereby incorporates by reference each and every preceding paragraph 1-95 of this Summons and Complaint as though fully plead and re-alleged in their entirety below.

97) That on or about August 27, 2008, Plaintiffs, **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** (Hereinafter "Plaintiffs"), was at their place of residence located at 324 Beach 27 Street, Far Rockaway, New York.

98) Plaintiff, Mark Yorrick, asserts that on August 27, 2008, he was resting in his home in his basement when suddenly and unexpectedly he was awakened from his sleep by very loud banging and knocking on his front door.

99) When Plaintiff, Mark Yorrick, went to the front door of his home and saw a young female he did not recognize. He also saw flashing lights from police vehicles and several police officers.

100) Plaintiff exited home into the vestibule and opened the door to the building and stood behind the storm door and addressed the police officers.

101) These officers then falsely accused Plaintiff of wrongfully evicting a young female that he observed from across the street whom he did not know.

102) After a back and forth exchange between Plaintiff and the police, Plaintiff returned to his apartment and locked the door.

103) The officers then proceeded to damage his storm door by breaking the mesh with a night stick to try and open it. An upstairs tenant eventually allowed entry to the inside of the premises. At this point, the two police officers took turns kicking the door to Plaintiff's home with their boots to try to gain access.

104) There was no exigent circumstance and these officers did not observe Plaintiff commit any offense that warranted the police attempting to break down Plaintiff's door without a warrant.

105) During trial, these officers admitted to not having a search, arrest or bench warrant, yet attempting to break Claimant's door in.

106) The police caused substantial damage to Plaintiff's door and other parts of his home such as side windows to name a few of the items damaged.

107) These two police officers caused substantial property damage to Claimant's home during the course of their unlawful activity that was tantamount to an attempted felony burglary and break-in to Plaintiff's home.

108) Furthermore, the police failed to conduct any reasonable investigation to ascertain if the Plaintiff was the owner of the premises that the woman said she was evicted from or if he had any involvement in her eviction.

109) During trial, these officers admitted to their unlawful conduct of not having a search, arrest or bench warrant, yet attempting to break Plaintiff's door in. The police caused substantial damage to not only this door, but to other parts of Plaintiff's home during the course of their attempted burglary and break-in to Plaintiff's home and Plaintiff will hold them responsible for their conduct.

110) A simple check by the police of calling the City Marshall who is responsible in part for evictions, or driving to the apartment of this woman to ascertain the facts would have readily revealed that she was not evicted but conjured up this false story.

111) Such an investigation would have established that Plaintiff was not her landlord, did not dispossess her nor remove her personal belongings onto the street.

112) Regrettably, no witnesses were interviewed by the police where the alleged crime occurred adding further support that this case was completely mishandled by these two male police officers.

113) Plaintiff prepared a home video and introduced photos during the trial of the property damage to his private home caused by these highly two unprofessional, untrained, and unskilled police officers.

114) Incredibly, despite these officers unprofessionalism, one police officer who was the most culpable, Rashid Simone, has been promoted to the rank of a detective despite his lack of temperament and ability to deal with the public on minor relatively easy issues.

115) Moreover, these two police officers in an attempt to cover up their wanton, egregious, and brazen criminal acts during this police siege of Plaintiff's home, incredibly charged Plaintiff with an alleged felony assault on a police officer despite the uncontested fact

that officer Rashid suffered what can only be describe as completely minor, non-serious injury that even a child would not of complained of.

116) The purported felony assault upon Police Officer Rashid, now Detective Rashid, alleged that he injured his right thumb which was apparently caused when he along with his partner were illegally attempting to break into Plaintiff's home.

117) In short, Defective Rashid's injuries were self-inflicted, yet he falsely charged Plaintiff with a felony assault for his transparently bogus minor injuries.

118) Officer Rashid unbelievably took off several weeks for a simple thumb sprain that apparently and arguably caused to his own finger due to his own unlawful misconduct.

119) During trial, these police officers bragged how they each took turns trying to kick in Plaintiff's door without a warrant. Therefore, these two officers knowingly admitted to committing numerous felonies at Plaintiff's home and other misconduct that makes them liable to the Plaintiff for his damages.

120) The jury was justifiably appalled at such shameless trial testimony where the officers blinded by their own arrogance and the admitted police misconduct returned a speedy trial verdict in 60 seconds.

121) The actual jury verdict sheet may reflect 12 to 15 minutes of jury selection; however, the jury asserted they took only 60 seconds so that it could not be said they did not do their job.

122) That the negligent actions of the Defendant police officers in attempting to break into the home of a law-abiding citizen without a warrant, then intentionally kicking his door in while his children and wife are inside the home without any evidence that the Defendant

committed any violation of law is conduct so outrageous as to go beyond the bonds of decency that can be accepted in a civilized society so as to shock the consciousness of the ordinary average citizen.

123) Plaintiff demands punitive damages against the individually named police officers to deter other likeminded individuals from similar misconduct.

124) Plaintiff demands compensatory damages against the City of New York.

125) That by reason of the aforesaid intentional misconduct on the part of the police, Defendant has been harmed in an amount that exceeds the jurisdictional limits of all lower courts in this matter.

AS AND FOR A SIXTH CAUSE OF ACTION
ON BEHALF OF PLAINTIFFS MARK YORRICK,
DARSHAWYN YORRICK AND EBONICK YORRICK
FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS:

126) The Plaintiffs, **MARK YORRICK, DARSHAWYN YORRICK, and EBONICK YORRICK**, hereby incorporates by reference each and every preceding paragraph 1-135 of this Summons and Complaint as though fully plead and re-alleged in their entirety below.

127) That on or about August 27, 2008, Plaintiffs, **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** (Hereinafter "Plaintiffs"), was at their place of residence located at: 324 Beach 27 Street, Far Rockaway, New York.

128) When Plaintiff, Mark Yorrick, went to the front door of his home and saw a young female he did not recognize. He also saw flashing lights from police vehicles and several police officers.

129) Plaintiff exited home into the vestibule and opened the door to the building and stood behind the storm door and addressed the police officers.

130) These officers then falsely accused Plaintiff of wrongfully evicting a young female that he observed from across the street whom he did not know.

131) After a back and forth exchange between Plaintiff and the police, Plaintiff returned to his apartment and locked the door.

132) The officers then proceeded to damage his storm door by breaking the mesh with a night stick to try and open it. An upstairs tenant eventually allowed entry to the inside of the premises. At this point, the two police officers took turns kicking the door to Plaintiff's home with their boots to try to gain access.

133) There was no exigent circumstance and these officers did not observe Plaintiff commit any offense that warranted the police attempting to break down Plaintiff's door without a warrant.

134) During trial, these officers admitted to not having a search, arrest or bench warrant, yet attempting to break Claimant's door in.

135) The police caused substantial damage to Plaintiff's door and other parts of his home such as side windows to name a few of the items damaged.

136) These two police officers caused substantial property damage to Claimant's home during the course of their unlawful activity that was tantamount to an attempted felony burglary and break-in to Plaintiff's home.

137) Furthermore, the police failed to conduct any reasonable investigation to ascertain if the Plaintiff was the owner of the premises that the woman said she was evicted from or if he had any involvement in her eviction.

138) During trial, these officers admitted to their unlawful conduct of not having a search, arrest or bench warrant, yet attempting to break Plaintiff's door in. The police caused substantial damage to not only this door, but to other parts of Plaintiff's home during the

course of their attempted burglary and break-in to Plaintiff's home and Plaintiff will hold them responsible for their conduct.

139) A simple check by the police of calling the City Marshall who is responsible in part for evictions, or driving to the apartment of this woman to ascertain the facts would have readily revealed that she was not evicted but conjured up this false story.

140) Such an investigation would have established that Plaintiff was not her landlord, did not dispossess her nor remove her personal belongings onto the street.

141) Regrettably, no witnesses were interviewed by the police where the alleged crime occurred adding further support that this case was completely mishandled by these two male police officers.

142) Plaintiff prepared a home video and introduced photos during the trial of the property damage to his private home caused by these highly two unprofessional, untrained, and unskilled police officers.

143) Incredibly, despite these officers unprofessionalism, one police officer who was the most culpable, Rashid Simone, has been promoted to the rank of a detective despite his lack of temperament and ability to deal with the public on minor relatively easy issues.

144) Moreover, these two police officers in an attempt to cover up their wanton, egregious, and brazen criminal acts during this police siege of Plaintiff's home, incredibly charged Plaintiff with an alleged felony assault on a police officer despite the uncontested fact that officer Rashid suffered what can only be describe as completely minor, non-serious injury that even a child would not of complained of.

145) The purported felony assault upon Police Officer Rashid, now Detective Rashid, alleged that he injured his right thumb which was apparently caused when he along with his partner were illegally attempting to break into Plaintiff's home.

146) In short, Defective Rashid's injuries were self-inflicted, yet he falsely charged Plaintiff with a felony assault for his transparently bogus minor injuries.

147) Officer Rashid unbelievably took off several weeks for a simple thumb sprain that apparently and arguably caused to his own finger due to his own unlawful misconduct.

148) During trial, these police officers bragged how they each took turns trying to kick in Plaintiff's door without a warrant. Therefore, these two officers knowingly admitted to committing numerous felonies at Plaintiff's home and other misconduct that makes them liable to the Plaintiff for his damages.

149) The jury was justifiably appalled at such shameless trial testimony where the officers blinded by their own arrogance and the admitted police misconduct returned a speedy trial verdict in **60 seconds**.

150) The actual jury verdict sheet may reflect 12 to 15 minutes of jury selection; however, the jury asserted they took only 60 seconds so that it could not be said they did not do their job.

151) That the intentional action of the Defendant police officers in attempting to break into the home of a law-abiding citizen without a warrant, then intentionally kicking his door in while his children and wife are inside the home without any evidence that the Defendant committed any violation of law is conduct so outrageous as to go beyond the bonds of decency

that can be accepted in a civilized society so as to shock the consciousness of the ordinary average citizen.

152) Plaintiff demands punitive damages against the individually named police officers to deter other likeminded individuals from similar misconduct.

153) Plaintiff demands compensatory damages against the City of New York.

154) That by reason of the aforesaid, the Plaintiffs **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** were injured in mind and body, still suffers and upon information and belief, will continue to suffer great mental pain, and was rendered sick, sore, lame and so remains by the actions of the Defendants, their agents, servants and employees.

**AS AND FOR A SIXTH CAUSE OAS AND FOR A
SEVENTH CAUSE OF ACTION
ON BEHALF OF PLAINTIFFS MARK YORRICK,
DARSHAWYN YORRICK AND EBONICK YORRICK
FOR CIVIL RIGHT ACTION 42 USC §1983:**

155) The Plaintiff, **MARK YORRICK**, hereby incorporates by reference each and every preceding paragraph 1 through 154 of this Complaint as though fully plead and alleged in their entirety below.

Venue and Jurisdiction

156) The jurisdiction is founded upon the existence of a Federal Question.

157) That this is an action to redress the deprivation under color of state and/or federal statute, ordinance, regulation, custom or usage of right, privilege, and immunity secured to Plaintiff by the First, Fourth and Fourteenth Amendments to the Constitution of the United States (42 U.S.C. § 1983, 1981, 1985 (3) and arising under the Federal Constitution, statutes and laws as well as the laws and statuses of the State and Constitution of New York.

158) That Jurisdiction is founded upon U.S.C § 1331 and § 1343 (3) and (4), this being an action authorized by law to redress the deprivation under the color of statute, ordinance, regulation, custom or usage of a right, privilege, and immunity secured to the Plaintiff by the First, Fourth, and Fourteenth amendments to the Constitution of the United States (42 USC § 1983, 1981, 1985 (3), 1988) and arising under the federal constitutional laws and statutes as well as the laws, statutes, and constitution of the State of New York.

159) The amount in controversy exceeds, exclusive of interest and costs are \$75,000, the jurisdictional limits of this and any other court having jurisdiction.

160) That prior to the police arrival at Plaintiff's home, the New York City Police Department had and still have a history, policy, custom of turning a blind eye to misconduct of its police officers in their dealings with minority citizens.

161) Specifically, supervisory personnel from NYPD routinely allowed white and other police officers to illegally enter the homes of citizens without a complaint, to harass minority citizens, and disrespect them based upon their race and to ignore complaints of police misconduct as was ignored herein (Plaintiff filed a complaint with Internal Affairs).

162) That such conduct has never been condoned or allowed in white and affluent neighborhoods but routinely occur in minority neighborhoods.

163) By further example, and not meant to limit, minority citizens are routinely stopped frisked and harassed in their apartment building where ID is demanded and same conduct is not required of white citizens.

164) Thus, under this atmosphere, when Plaintiff, Mark Yorrick, went to the front door of his home and saw a young female he did not recognize. He also saw flashing lights from police vehicles and several police officers.

165) Plaintiff exited home into the vestibule and opened the door to the building and stood behind the storm door and addressed the police officers.

166) These officers then falsely accused Plaintiff of wrongfully evicting a young female that he observed from across the street whom he did not know.

167) After a back and forth exchange between Plaintiff and the police, Plaintiff returned to his apartment and locked the door.

168) The officers then proceeded to damage his storm door by breaking the mesh with a night stick to try and open it. An upstairs tenant eventually allowed entry to the inside of the premises. At this point, the two police officers took turns kicking the door to Plaintiff's home with their boots to try to gain access.

169) There was no exigent circumstance and these officers did not observe Plaintiff commit any offense that warranted the police attempting to break down Plaintiff's door without a warrant.

170) During trial, these officers admitted to not having a search, arrest or bench warrant, yet attempting to break Plaintiff's door in.

171) The police caused substantial damage to Plaintiff's door and other parts of his home such as side windows to name a few of the items damaged.

172) These two police officers caused substantial property damage to Claimant's home during the course of their unlawful activity that was tantamount to an attempted felony burglary and break-in to Plaintiff's home.

173) Furthermore, the police failed to conduct any reasonable investigation to ascertain if the Plaintiff was the owner of the premises that the woman said she was evicted from or if he had any involvement in her eviction.

174) During trial, these officers admitted to their unlawful conduct of not having a search, arrest or bench warrant, yet attempting to break Plaintiff's door in. The police caused substantial damage to not only this door, but to other parts of Plaintiff's home during the course of their attempted burglary and break-in to Plaintiff's home and Plaintiff will hold them responsible for their conduct.

175) A simple check by the police of calling the City Marshall who is responsible in part for evictions, or driving to the apartment of this woman to ascertain the facts would have readily revealed that she was not evicted but conjured up this false story.

176) Such an investigation would have established that Plaintiff was not her landlord, did not dispossess her nor remove her personal belongings onto the street.

177) Regrettably, no witnesses were interviewed by the police where the alleged crime occurred adding further support that this case was completely mishandled by these two male police officers.

178) Incredibly, despite these officers unprofessionalism, one police officer who was the most culpable, Rashid Simone, has been promoted to the rank of a detective despite his lack of temperament and ability to deal with the public on minor relatively easy issues.

179) Moreover, these two police officers in an attempt to cover up their wanton, egregious, and brazen criminal acts during this police siege of Plaintiff's home, incredibly charged Plaintiff with an alleged felony assault on a police officer despite the uncontested fact that officer Rashid suffered what can only be describe as completely minor, non-serious injury that even a child would not of complained of.

180) The purported felony assault upon Police Officer Rashid, now Detective Rashid, alleged that he injured his right thumb which was apparently caused when he along with his partner were illegally attempting to break into Plaintiff's home.

181) In short, Defective Rashid's injuries were self-inflicted, yet he falsely charged Plaintiff with a felony assault for his transparently bogus minor injuries.

182) Officer Rashid unbelievably took off several weeks for a simple thumb sprain that apparently and arguably caused to his own finger due to his own unlawful misconduct.

183) During trial, these police officers bragged how they each took turns trying to kick in Plaintiff's door without a warrant. Therefore, these two officers knowingly admitted to committing numerous felonies at Plaintiff's home and other misconduct that makes them liable to the Plaintiff for his damages.

184) The jury was justifiably appalled at such shameless trial testimony where the officers blinded by their own arrogance and the admitted police misconduct returned a speedy trial verdict in **60 seconds**.

185) The actual jury verdict sheet may reflect 12 to 15 minutes of jury selection; however, the jury asserted they took only 60 seconds so that it could not be said they did not do their job.

186) The Plaintiff did not commit any illegal act, either before or at the time he was falsely arrested and imprisoned and deprived of his Constitutional rights as set forth in the Constitution of the United States, particularly 42 USC § §1981, 1983, 1985(3), & 1988 and the Constitution of the State of New York.

187) That at all times hereinafter mentioned, the Defendants Police Officers

Rashid And Syborg and/ JANE DOES 1-10 each of them, separately and in concert conspired for the purpose of depriving, either directly or indirectly, Plaintiff of the equal protection of the laws, or of equal privileges and immunities under the laws in that said Defendants did engage in the illegal conduct hereinbefore described and thus did deprive the Plaintiff of the equal protection of the laws, or of equal privileges and immunities secured to Plaintiff by the First and Fourteenth Amendments to the Constitution of the United States and the Laws of the United States. The unlawful and illegal conduct of the Defendants deprived the Plaintiff of the following rights, privileges and immunities secured to him by the Constitution of the United States and the State of New York:

- a. The right of the Plaintiff to be secure in their persons and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments of the Constitution of the United States
- b. the right of the Plaintiff to be informed of the nature and cause of the accusation against him so secured to them under the sixth and fourteenth amendments of the Constitution of the United States; and,
- c. the right of the Plaintiff not to be deprived of life, liberty or property without due process of law, and the right to the equal protection of the law secured by the Fourteenth Amendment to the Constitution of the United States.

188) That by reason of the aforesaid violations, conspiracy and false arrest, and false imprisonment, and battery and otherwise discriminatory treatment in violation of both the United States and New York State Constitutions, the Defendants conspired together to enter into a nefarious scheme to wrongfully deprive the Plaintiff and compelled him to abandon his rights and privileges as provided to him in the Constitutional rights as set forth

in the Constitution of the State of New York, and laws thereto, the Defendants, violated 42 U.S.C. §§ 1981, 1983, 1985 (3) in that the Defendants acted as persons who under color of any statute, ordinance, regulation, custom or usage of the **CITY OF NEW YORK**, subjected or caused to be subjected, a citizen of the United States or other person within the jurisdiction, particularly the Plaintiff thereof to be deprived of his rights, privileges or immunities received by Constitution of the United States of America, and provided them by the Constitution of the State of New York; were subjected to Great indignities and humiliation, and pain and distress of mind and body and was held up to scorn and ridicule, injured in his character and reputation, was prevented from attending his usual business and vocation and was injured in his reputation in the community and the acts aforementioned were committed with the aim of injuring and damaging the Plaintiff.

189) That by reason of the aforesaid violations, to wit the false arrest, false imprisonment caused by the Defendants, who wrongfully deprived the Plaintiff and compel him abandon his rights and privileges as provided to him in the Constitution of the United States of America, and in the Constitution of the United States of America, and in the Constitution of the State of New York, and laws thereto, the Defendants, acting within the scope of their authority and without any probable cause, caused the Plaintiff great harm because of the aforesaid illegal conduct.

190) Plaintiff demands punitive damages against the individually named police officers to deter other likeminded individuals from similar misconduct.

191) Plaintiff demands compensatory damages against the City of New York.

AS AND FOR THE NINTH CAUSE OF ACTION
ON BEHALF OF PLAINTIFFS MARK YORRICK,
DARSHAWYN YORRICK AND EBONICK YORRICK
FOR ATTORNEY FEES PURUSANT TO 42 USC SECTION 1988:

192) The Plaintiffs, **MARK YORRICK, DARSHAWYN YORRICK and EBONICK YORRICK** hereby incorporates by reference each and every preceding paragraph 1-191 of this Summons and Complaint as though fully plead and re-alleged in their entirety below.

193) That should Plaintiff be successful on his state and federal claims, he will demand attorney fees in this action.

AS AND FOR THE TENTH CAUSE OF ACTION
ON BEHALF OF MARK YORRICK FOR RACIAL
DISCRIMINATION PURUSANT TO 42 USC SECTION 1981:

194) The Plaintiff, **MARK YORRICK**, hereby incorporates by reference each and every preceding paragraph 1-193 of this Complaint as though fully plead and re-alleged in their entirety below.

195) That the police officers in questions were white and upon information also non-white.

196) These officers discriminated against the Plaintiff because of his race being black citizen of Guyana.

197) These officers do not treat white citizens in the same manner that they treat black citizens.

198) That the Defendant because of their conduct, caused the Plaintiff to not only be incarcerated but spend the next five years going back and forth to court on bogus and false charges.

199) That by reason of the aforesaid violations, the Plaintiff requests punitive damages against the individually named police officers.

200) Plaintiff also requests compensatory damages against the City of New York.
relief:

AS TO ALL CAUSES OF ACTIONS

- a. Compensatory damages in the sum which exceeds the jurisdictional limits of all lower courts.
- b. Punitive damages in the sum which exceeds the jurisdictional limits of all lower courts.
- c. An award of reasonable attorney's fees, costs and disbursements;
- d. Plaintiff requests a trial by jury of all issues involved in this complaint;
- e. Such other and further relief as this Court may deem just, meet and proper under the circumstances.

Dated: New York, NY 10007
April 30th, 2014



Ronald Paul Hart, Esq.
225 Broadway, Suite 2515
New York, NY 10007
Tel: (212) 766-1443
Fax: (212) 766-0943
Email: ronaldphartesq@gmail.com

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

MARK YORRICK, being duly sworn, hereby deposes and says, that:

1. I am the **PLAINTIFF** in this action.

 I am over eighteen years of age and reside in New York State.
2. I verify that the statements to my attorney are true to the best of my

 knowledge and belief.
3. All allegations made which are based upon information and belief are

 made after consultation with my attorney and on the basis of the

 information available to me at this time.
4. I further verify that I have read the foregoing **SUMMONS AND**

 COMPLAINT and that I know the contents thereof; the same are true to

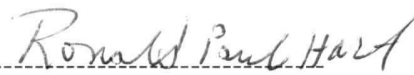
 my knowledge, except to the matters therein stated to be alleged on

 information and belief, and as to those matters I believe them to be true.



MARK YORRICK

Sworn to before me this
8 Day of April 2014



Notary Public
RONALD PAUL HART
Notary Public, State of New York
No. 02HA4699768
Qualified in New York County
Commission Expires July 27, 2006 14 R.H

VERIFICATION

[illegible]

DARSHAWN YORRICK, being duly sworn, hereby deposes and says, that:

1. I am the **PLAINTIFF** in this action.
I am over eighteen years of age and reside in New York State.
2. I verify that the statements to my attorney are true to the best of my knowledge and belief.
3. All allegations made which are based upon information and belief are made after consultation with my attorney and on the basis of the information available to me at this time.
4. I further verify that I have read the foregoing **SUMMONS AND COMPLAINT** and that I know the contents thereof; the same are true to my knowledge, except to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

Perd. Brown Yermish

DARSHAWN YORRICK

Sworn to before me this

9th Day of April 2014

[Signature]

Notary Public

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

EBONICK YORRICK, being duly sworn, hereby deposes and says, that:

1. I am the **PLAINTIFF** in this action.

 I am over eighteen years of age and reside in New York State.
2. I verify that the statements to my attorney are true to the best of my

 knowledge and belief.
3. All allegations made which are based upon information and belief are

 made after consultation with my attorney and on the basis of the

 information available to me at this time.
4. I further verify that I have read the foregoing **BILL OF PARTICULARS**

 and that I know the contents thereof; the same are true to my knowledge,

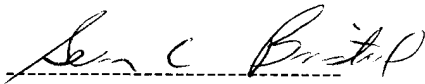
 except to the matters therein stated to be alleged on information and belief,

 and as to those matters I believe them to be true.

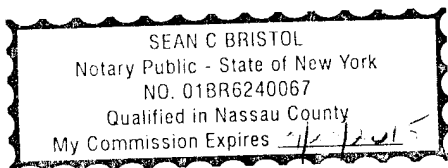


EBONICK YORRICK

Sworn to before me this
4 Day of April 2014



Notary Public



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

**MARK YORRICK, DARSHAWYN
YORRICK and EBONICK YORRICK**

Plaintiffs,

-against-

**THE CITY OF NEW YORK,
POLICE OFFICER DANIEL SJOBERG
TAX REG. # 942557
DETECTIVE SIMON RASHID SHIELD # 9170
AND POLICE OFFICER JOHN AND/OR
JANE DOE NUMBERS 1-10**

Defendants.

Index No:
**Summons and
Verified Complaint**

RONALD PAUL HART, ESQ.
Attorney(s) for the PLAINTIFF
225 Broadway Suite 2515
New York, New York 10007
Tel. (212)766-1443

**To: ALL COUNSEL
Attorney(s) for
THE DEFENDANTS:**

Service of a copy of the within SUMMONS AND COMPLAINT

Counselor(s): Please Take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered order in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order for of which the within is a true copy will be presented for settlement to the
HON. one of the justices of the within named Court at the within is a (certified) true copy of
a duly entered